

**From:** David Clark  
**To:** Microsoft ATR  
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**Subject:** Microsoft Settlement

I am writing this to express my dissatisfaction with the proposed Final Judgement against Microsoft. The most disturbing parts of the proposed Final Judgement are as follows:

- 1) Microsoft can refuse to release critical information to open software projects on the sole basis that they do not meet Microsoft's definition of a viable business. The closest thing to competition Microsoft has are several open source projects/groups such as Apache, SAMBA, and Linux, yet these groups can be denied access to the API's. In other words, those who can do the most good for consumers with the API's will be denied access to them.
- 2) There are no provisions for financial penalties in the proposed Final Judgement.
- 3) Too much hinges on the definition of "Microsoft Middleware." Microsoft has a tendency to make middleware part of their OS, thus making it OS software, not middleware. I believe that Microsoft will accelerate their tendency to move software into the core OS so that they will not be subject to the stipulations of the Proposed Final Judgement.
- 4) There are insufficient guards against Microsoft eliminating competition in newer markets such as Media Players and handheld devices. Competition is still alive and well in these markets and the DOJ needs to stop Microsoft's predatory practices before these new markets suffer the same fate as the consumer OS and browser markets.

David Clark